

# THE DAILY REPORTER

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# Ohio inmate deserves death for role in 1993 Lucasville riot

Daily Reporter  
 5/20/05

By PAUL E. PFEIFER

It was the worst prison riot in Ohio history. On the afternoon of April 11, 1993 — Easter Sunday — inmates at the Southern Ohio Correctional Facility at Lucasville took over L Section, one of the three main prison cellblocks. By the time darkness settled over Lucasville that day, the situation inside the prison was dire: The inmates controlled all of L Section, and they had taken eight corrections officers hostage.

It was a terrifying ordeal for the officers. Defenseless and badly outnumbered, they were at the mercy of the riotous inmates. After 11 grueling days, the siege finally ended, but not before corrections officer Robert Vallandingham and nine inmates had been murdered.

Here at the Supreme Court of Ohio, we recently reviewed the appeal of George Skatzes,

an inmate who was sentenced to death for his role in the uprising.

The riot had its genesis sometime before April 11, 1993, when the Ohio Department of Health mandated that all prison inmates be tested for tuberculosis. The test required an injection, but the Muslim inmates — led by Carlos "Hasan" Sanders — objected to that form of testing on religious grounds.

Word filtered down to the Muslims that there was to be a lockdown — when all inmates would be confined to their cells — the day after Easter, to facilitate the tuberculosis testing. On the evening before the riot, leaders of the Muslims met with members of the Aryan Brotherhood, a white supremacist gang in the prison. The two groups disliked one another, but they found common cause in plotting a riot.

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## Legal Digest

# Inmate

(Continued from Page 11)

The next day, when the inmates took control of L Section, their planning became evident: The prison's dominant gangs — the Muslims, the Aryan Brotherhood and the Black Gangster Disciples — each took charge of different parts of the cellblock. The Aryans, led by Jason Robb and George Skatzes, controlled L2.

In the early stages of the riot, Robert Vallandingham locked himself in the corrections officers' restroom in L1. But inmates battered open the door and took him hostage. They held him in L6, which was controlled by the Muslims.

Another guard — Jeff Ratcliff — had taken refuge in the back stairwell of L2. The stairwell was supposed to be a safe-haven in such situations, with cement-block walls and a steel door. But using a metal bar from the weight-lifting set in the gym the inmates punched a hole in the wall. When Ratcliff came out they beat him.

An inmate named Earl Elder was in the stairwell with Ratcliff. Elder was considered a "snitch," and when he emerged from the stairwell they began beating him with baseball bats and stabbing him with shanks. Jason Robb said to Elder, "You want to be police, we will show you what it is to be police."

Later that night, after meeting in the gym with a Muslim inmate, George Skatzes took Roger Snodgrass, another Aryan Brotherhood member, to L6, where Elder, battered but not dead, was being held in a cell. Outside Elder's cell Skatzes told Snodgrass, "I want you to take this guy out. Go ahead and take care of your business, son."

Snodgrass went into the cell and stabbed Elder numerous times. When Snodgrass came out, Skatzes put his arm around him and said, "You did a good job, brother, I am proud of you." Elder was dead. The next morning his body was placed in the recreation yard.

Within two or three days of the takeover, FBI technicians had placed microphones in the tunnels underneath L block. The inmates didn't know it, but their conversations were being recorded.

During the first half of the riot, Skatzes was one of the lead inmate negotiators. After three days, when the inmates were unable to break the stalemate over their demands, the leaders of the three gangs met to discuss their next move. Skatzes and the others voted to kill a guard if their demands were not met.

Prison authorities had cut the power and water in L block. On the morning of April 15, Skatzes got on the phone and demanded that it be restored or "there would be a guaranteed murder." When the deadline — set by Skatzes — passed without restoration of power or water, Muslim inmates in L6 killed Robert Vallandingham.

When a settlement was finally negotiated on April 21, the inmates began the process of surrendering. At that time, the gang leaders decided that inmate David Sommers, who controlled the phones and recorded the calls throughout the negotiations, "had to die, he knew too much."

Apparently believing the confusion of the surrender would hide their actions, several inmates, including Skatzes, went after Sommers. When they found him in L7, one inmate tackled Sommers and began stabbing him; Skatzes ran up and kicked him in the head while another inmate choked Sommers with an extension cord. Then Skatzes hit Sommers in the head with a baseball bat at least three times while the others repeatedly stabbed him.

Skatzes and the others cleaned themselves, burned the clothes they'd had on, and surrendered to authorities. But the confusion wasn't enough to mask their foul deeds. With diligent investigation, the FBI recordings, and eyewitness accounts, law enforcement officials were able to painstakingly piece together the events inside the prison and bring those responsible to justice.

For his part, Skatzes was found guilty as one of the inmates responsible for the murders of Vallandingham, Elder and Sommers. A jury recommended death for the murders of Elder and Sommers and a life sentence for the murder of Vallandingham.

After reviewing his appeal, we affirmed Skatzes' convictions and death sentence by a 7-0 vote.

The Lucasville riot was an all-together ugly affair; a public display of the worst humankind has to offer. It took months to clean up the shattered cellblock; so far it's taken considerably longer to clear up the ensuing criminal prosecutions. With our decision in this case, George Skatzes joins the others — including Robb and Sanders — who have been convicted for their part in Ohio's deadliest prison riot.

*Editor's note: The case referred to is State v. Skatzes, 104 Ohio St.3d 195, 2004-Ohio-6391. Case No. 2003-0487. Decided Dec. 8, 2004. Majority opinion written by Justice Paul E. Pfeifer.*

## **CODE OF JUDICIAL CONDUCT**

### **PREAMBLE TO CODE OF JUDICIAL CONDUCT**

The Ohio Code of Judicial Conduct is intended to establish standards for ethical conduct of judges. It consists of broad statements called Canons, specific rules set forth in divisions under each Canon, a Terminology Section, a Compliance Section, and Commentary. The text of the Canons and the divisions, including the Terminology and Compliance Sections, is authoritative. The Commentary, by explanation and example, provides guidance with respect to the purpose and meaning of the Canons and divisions. The Commentary is not intended as a statement of additional rules. When the text uses "shall" or "shall not," it is intended to impose binding obligations the violation of which can result in disciplinary action. When "should" or "should not" is used, the text is intended as hortatory and as a statement of what is or is not appropriate conduct but not as a binding rule under which a judge may be disciplined. When "may" is used, it denotes permissible discretion or, depending on the context, it refers to action that is not covered by specific proscriptions.

The Canons and divisions are rules of reason. They should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.

The Code is designed to provide guidance to judges and candidates for judicial office and to provide a structure for regulating conduct through disciplinary agencies. It is not designed or intended as a basis for civil liability or criminal prosecution. Furthermore, the purpose of the Code would be subverted if the Code were invoked by lawyers for mere tactical advantage in a proceeding.

The text of the Canons and divisions is intended to govern conduct of judges and to be binding upon them. It is not intended, however, that every transgression will result in disciplinary action. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the text and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the judicial system and for the protection of the public.

[Effective: December 20, 1973; amended effective May 1, 1997.]

## CANON 3

### **A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently**

**(A) Judicial Duties in General.** The judicial duties of a judge take precedence over all of the judge's other activities. The judge's judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply.

**(B) Adjudicative Responsibilities.**

(1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.

(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.

(3) A judge shall require order and decorum in proceedings before the judge.

(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, and shall not permit staff, court officials, and others subject to the judge's direction and control to do so.

(6) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, against parties, witnesses, counsel or others. Division (B)(6) of this canon does not preclude legitimate advocacy when race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, or other similar factors, are issues in the proceeding.

(7) A judge shall not initiate, receive, permit, or consider communications made to the judge outside the presence of the parties or their representatives concerning a pending or impending proceeding except:

(a) Where circumstances require, *ex parte* communications for scheduling, administrative purposes, or emergencies that do not address substantive matters or issues on the merits are permitted if the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the *ex parte* communication.

(b) A judge may obtain the advice of a disinterested expert on the law applicable to the proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice and affords the parties reasonable opportunity to respond.

(c) A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.

(d) As authorized by law.

(8) A judge shall dispose of all judicial matters promptly, efficiently, and fairly and comply with guidelines set forth in the Rules of Superintendence for the Courts of Ohio.

(9) While a proceeding is pending or impending in any court, a judge shall not make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of court personnel subject to the judge's direction and control. Division (B)(9) of this canon does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. Division (B)(9) of this canon does not apply to proceedings in which the judge is a litigant in a personal capacity.

(10) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding.

(11)(a) A judge shall not knowingly disclose or cause to be disclosed, without appropriate authorization, information regarding the probable or actual decision in a case or legal proceeding pending before a court, including the vote of a justice, judge, or court in a case pending before the Supreme Court, a court of appeals, or a panel of judges of a trial court, prior to the announcement of the decision by the court or journalization of an opinion, entry, or other document reflecting that decision under either of the following circumstances:

(i) The probable or actual decision is confidential because of statutory or rule provisions;

(ii) The probable or actual decision clearly has been designated to the judge as confidential when confidentiality is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving confidentiality is necessary to the proper conduct of court business.

(b) Nothing in division (B)(11)(a) of this canon shall prohibit the disclosure of any of the following:

**Commentary:**

**B(4).** The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.

**B(5).** A judge must refrain from speech, gestures or other conduct that could reasonably be perceived as bias or prejudice (including sexual harassment) and must require the same standard of conduct of others subject to the judge's direction and control.

**B(8).** A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs. See, e.g., R.C. 2701.02. A judge should encourage and seek to facilitate settlement, but parties should not feel coerced into surrendering the right to have their controversy resolved by the courts.

Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to require that court officials, litigants and their lawyers cooperate with the judge to that end.

**B(9).** The requirement that judges abstain from public comment regarding a pending or impending proceeding continues during any appellate process and until final disposition. This division does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity, but in cases such as a writ of mandamus where the judge is a litigant in an official capacity, the judge must not comment publicly. "Court personnel" does not include the lawyers in a proceeding before a judge. The conduct of lawyers relating to trial publicity is governed by DR 7-107 of the Code of Professional Responsibility.

**B(10).** Commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror's ability to be fair and impartial in a subsequent case. The foregoing provision shall not preclude the judge from expressing appreciation to the jurors for their service to the judicial system and the community, or from communicating with the jurors, personally, in writing, or through court personnel to obtain information for the purpose of improving the administration of justice.

**B(11).** The premature disclosure of confidential information regarding the outcome of pending cases gives the appearance of partiality and fosters obvious public distrust of the judiciary and legal profession. Among other things, premature disclosure creates the potential for the release of inaccurate information and allows attorneys, litigants, and others with access to the information to use it for personal gain before it becomes public knowledge.

Canon 3(B)(11)(a) prohibits a judge from prematurely disclosing clearly confidential information about the actual or probable decision in a pending case or proceeding under circumstances in which confidentiality is required or warranted. The provision is patterned, in